

REMARKS

In response to the Requirement for Restriction of September 23, 2009, Applicants elect, with traverse, to prosecute the claims in Group I, namely, 1-9, inclusive, which are drawn to an insecticidal composition. Claims 1-9 encompass the elected invention.

ARGUMENTS IN SUPPORT TO THE UNITY OF INVENTION

The traverse is based on the following arguments.

Claim 1 herein relates to an insecticidal composition comprising:

(i) an active principle with insecticidal activity is a component which belongs to the pyrethroid class and/or a component with insect growth regulator activity;

(ii) a component able to synergistically enhance the activity of the active principle,

said composition being obtainable by subjecting both components (i) and (ii) to simultaneous complexing with cyclodextrin.

Therefore, claim 1 relates to a complex with cyclodextrin, wherein both the synergistic compound and the insecticide and/or growth regulator are included as clearly supported by the description at page 5, lines 15-17 of the specification. As a matter of fact, this complex is obtained by first preparing a solution of suspension of both the synergistic component and the active insecticide and/or growth regulator, and then by adding this solution to a solution of a cyclodextrin, thus preparing a complex of cyclodextrin with both the synergistic compound and the insecticide and/or growth regulator.

As clearly stated and shown in the description, the joint complexing of the synergist and insecticide (and/or growth regulator) surprisingly and quite unexpectedly resulted in a significant increase in the effectiveness of the final composition when compared with a mixture of the two components complexed individually.

US 3,846,551, which is referenced in the Office Action, relates to an insecticidal composition comprising an interacted compound of a pyrethroid with a cyclodextrin and a diluent or carrier. Therefore, the cited prior art relates to a complex of pyrethroid and cyclodextrin, with the synergist only being added to the final mixture, ***but not jointly complexed with the pyrethroid.***

This is confirmed by the description of US 3,846,551 at col. 3, lines 60-64, wherein it is stated with respect to the preparation of the interacted compound: “The interacted compound of a pyrethroid with a cyclodextrin used as an active ingredient of the composition of the invention can be prepared by contacting at least one pyrethroid intimately with at least one cyclodextrin in the presence of water.”, and at col. 5, lines 43-48, wherein the synergist is described as being added to the final composition, already comprising the interacted compound and the diluent or carrier “The insecticidal and acaricidal composition of this invention contains various gaseous, liquid or solid dilutents or carriers, and if desired, may be further contain various assistants, such as ..., synergist ...”.

In view of the foregoing, it follows that **the entire prior art document clearly fails to disclose an insecticidal composition comprising (i) an active principle and (ii) a synergistic compound, wherein both components (i) and (ii) are simultaneously complexed with cyclodextrin.**

The increase in the effectiveness of the final composition of the invention cannot be obtained according to US 3,846,551, which provides for the complexation of the cyclodextrin with the pyrethroid alone. Please note that US 3,846,551 is cited in the present application as prior art describing a composition comprising the simple complexation between an active ingredient and cyclodextrin, wherein the synergist is added as further ingredient to the composition.

Therefore, since the claimed composition of Group I comprising a complex of cyclodextrin with both the synergistic compound and the insecticide and/or growth regulator is not anticipated, it follows that Group II relating to a process for preparing

such a composition and Groups III and IV relating to a method using such a composition share the same **single general inventive concept, i.e. the composition.**

Consequently, by referring to 37 CFR § 1.475, the four groups fall squarely within the meaning of category 3), i.e. **"A product, a process specially adapted for the manufacture of the said product, and a use of the said product"**, wherein the product is the composition of claim 1, thus meeting the rules of unity of invention.

CONCLUSION

In view of the above, Applicants believe that the Restriction Requirement has been overcome and should be withdrawn and that the application is in condition for allowance on the grounds that the claims distinguish over the disclosure of US 3,846,551.

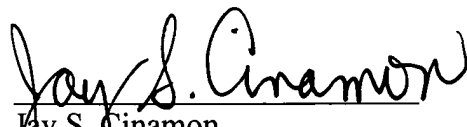
Hence, Applicants respectfully solicit the issuance of a Notice of Allowance.

Please charge any fees which may be due and which have not been included herewith to our Deposit Account No. 01-0035.

Respectfully submitted,

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